

AMENDED IN ASSEMBLY JUNE 7, 2012
AMENDED IN SENATE JANUARY 5, 2012
AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 825

Introduced by Senator Corbett

February 18, 2011

~~An act to amend Section 512 of the Public Resources Code, relating to state parks and recreation. An act to amend Section 1161c of the Code of Civil Procedure, relating to residential tenancies and foreclosure.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 825, as amended, Corbett. ~~State parks and recreation: State Parks and Recreation Fund. Residential tenancies: foreclosures.~~

Existing law, until January 1, 2013, requires that any notice to quit regarding a housing unit served within one year after a foreclosure sale include a separate cover sheet that contains an additional notice to renters. Existing law sets forth the content of this notice providing the tenant with specified information regarding tenants' rights. Existing law provides that under certain circumstances the cover sheet need not be served, as specified.

The bill would delete the repeal date thereby extending the operation of these provisions indefinitely.

~~Existing law generally requires that all revenues received by the Department of Parks and Recreation be paid into the State Treasury to the credit of the State Parks and Recreation Fund to be available, upon appropriation by the Legislature, for expenditure for the state parks. However, existing law requires that money received by the department~~

~~from the sale of publications be paid into the State Treasury to the credit of the General Fund.~~

~~This bill would instead require that this money be paid into the State Parks and Recreation Fund.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1161c of the Code of Civil Procedure is
2 amended to read:

3 1161c. (a) In the case of any foreclosure on a residential
4 property, the immediate successor in interest in the property
5 pursuant to the foreclosure shall attach a cover sheet, in the form
6 as set forth in subdivision (b), to any notice of termination of
7 tenancy served on a tenant of that property within the first year
8 after the foreclosure sale. This notice shall not be required if any
9 of the following apply:

10 (1) The tenancy is terminated pursuant to Section 1161.

11 (2) The successor in interest and the tenant have executed a
12 written rental agreement or lease or a written acknowledgment of
13 a preexisting rental agreement or lease.

14 (3) The tenant receiving the notice was not a tenant at the time
15 of the foreclosure.

16 (b) The cover sheet shall consist of the following notice, in at
17 least 12-point type:

18
19 Notice to Any Renters Living At
20 [street address of the unit]

21 The attached notice means that your home was recently sold in
22 foreclosure and the new owner plans to evict you.

23 You should talk to a lawyer NOW to see what your rights are.
24 You may receive court papers in a few days. If your name is on
25 the papers it may hurt your credit if you do not respond and simply
26 move out.

27 Also, if you do not respond within five days of receiving the
28 papers, even if you are not named in the papers, you will likely
29 lose any rights you may have. In some cases, you can respond
30 without hurting your credit. You should ask a lawyer about it.

1 You may have the right to stay in your home for 90 days or
2 longer, regardless of any deadlines stated on any attached papers.
3 In some cases and in some cities with a “just cause for eviction
4 law,” you may not have to move at all. But you must take the
5 proper legal steps in order to protect your rights.

6 How to Get Legal Help

7 If you cannot afford an attorney, you may be eligible for free
8 legal services from a nonprofit legal services program. You can
9 locate these nonprofit groups at the California Legal Services Web
10 site (www.lawhelpcalifornia.org), the California Courts Online
11 Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting
12 your local court or county bar association.

13
14 (c) If the notice to quit specifies an effective date of at least 90
15 days after the notice is served, without qualification, no cover sheet
16 shall be required, provided that the notice incorporates the text of
17 the cover sheet, as set forth in subdivision (b) in at least 10-point
18 type. The incorporated text shall omit the caption and the first
19 paragraph of the cover sheet and the fourth paragraph of the cover
20 sheet shall be replaced by the following language:

21
22 You may have the right to stay in your home for longer than 90
23 days. If you have a lease that ends more than 90 days from now,
24 the new owner must honor the lease under many circumstances.
25 Also, in some cases and in some cities with a “just cause for
26 eviction law,” you may not have to move at all. But you must take
27 the proper legal steps in order to protect your rights.

28
29 ~~(d) This section shall remain in effect only until January 1, 2013,~~
30 ~~and as of that date is repealed, unless a later enacted statute, that~~
31 ~~is enacted before January 1, 2013, deletes or extends that date.~~

32 SECTION 1. ~~Section 512 of the Public Resources Code is~~
33 ~~amended to read:~~

34 512. (a) ~~For the purpose of disseminating information relating~~
35 ~~to its activities, powers, duties, or functions, the department may~~
36 ~~issue publications, construct and maintain exhibits, and perform~~
37 ~~such acts and carry on such functions as in the opinion of the~~
38 ~~director will best tend to disseminate such information.~~

- 1 ~~(b) The publications may be distributed free of charge to public~~
- 2 ~~libraries and to other state departments and state officers. The~~
- 3 ~~department may exchange copies with contemporary publications.~~
- 4 ~~(c) All money received by the department from the sale of~~
- 5 ~~publications shall be paid into the State Parks and Recreation Fund.~~